

REMARKS

Upon entry of the present amendment, claims 1-10 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. For example, the amendment to claim 1 finds support at page 3, lines 9-10 of the specification. Similarly, new claims 9-10 are based upon original claim 1, and page 2, lines 9-10 of the specification.

Concerning the amendment to claim 6, this is simply grammatical in nature, and does not narrow the scope of the claim.

***Claim Rejection Under 35 USC § 112***

Claim 6 has been rejected under 35 USC § 112, second paragraph. Reconsideration and withdrawal of this rejection is requested based upon the amendment made herein to claim 6. Notably, claim 6 as instantly amended is "a complete sentence".

***Claim Rejections Under 35 USC § 102(b)/35 USC § 103(a)***

Claims 1-2 and 6-8 have been rejected under 35 USC § 102(b) as being anticipated by Osborne (US 4,895,895). Further, claims 1-8 have been rejected under 35 USC § 103(a) over Osborne. Claims 1-8 have also been rejected under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over

Van Gasse (US 5,212,234). Reconsideration and withdrawal of each of these rejections is respectfully requested based upon the following considerations.

*The Present Invention and Its Advantages*

The present invention provides for a molding composition which contains therein (A) a fibrous material, (B) a crystalline unsaturated polyester, (C) a non-crystalline unsaturated polyester, and (D) a radical generator. The compositions are also characterized in that they do not contain "a crosslinking assistant such as styrene" (claim 10), "styrene or a crosslinking assistant" (claim 9), or "styrene or a crosslinking assistant that causes a smell or safety problem" (claim 1).

More particularly, it is noted that the molding compositions of the present invention have improved safety and smell as compared to conventional molding compositions that contain therein a monomer such as styrene. In this regard, the Examiner's attention is directed to page 2, lines 2-5 and page 3, lines 8-10 of the specification. In these portions of the specification, it is clearly taught that:

*"Many molded parts obtained from an unsaturated polyester combined with a radical generator are known, but most of them need a curing aide, such as styrene. Although they do not generate formaldehyde, the problem of smell remains unsolved." (See page 2, lines 2-5)*

*"Use of a radical generator (D) makes the molding composition cure without using a crosslinking assistant such as styrene that may cause the problems of smell and safety." (See page 3, lines 8-10)*

Accordingly, the present invention provides compositions that alleviate problems previously associated with the curing of resins such as formaldehyde resins and phenolic resins, and with formaldehyde generation and accompanying problems of smell and safety. This is achieved through the use of a radical generator (D) in the claimed compositions.

Likewise, the inventors have discovered that a combined use of a crystalline unsaturated polyester (B) and a non-crystalline unsaturated polyester (C) reduces the respective softening points of the unsaturated polyesters. That is, each unsaturated polyester has a lower melt viscosity when used in combination than when used alone. As a result, the molding composition can cure at a low temperature to provide a molded article equal to or superior in strength to conventional molding compositions comprising a urea formaldehyde resin, a phenolic resin, etc. (see page 2 of the specification).

Thus, as may be seen upon reviewing the Examples and Comparative Examples in the specification (see pages 12-14), the test data obtained therewith (see page 15), and the discussion thereof (see page 16), the Examiner will see that the molded compositions of the present invention allow one to produce molded

articles with improved strength, even when cured at a low temperature of 180 to 190°C, and which are at the same time free from unpleasant odors.

Distinctions Over the Cited Art

The cited reference of Osborne discloses the use of "a monomer copolymerizable therewith" in claim 1, and discloses styrene and the like as examples thereof at column 3, lines 33-37. Further, Van Gasse discloses in claim 1, the use of "alkenically unsaturated monomers" and discloses styrene, substituted styrene and the like as an example of the alkenically unsaturated monomers at column 3, lines 4-9.

Based upon the above teachings in each of the cited references of Osborne and Van Gasse, it is submitted that their disclosures are completely incapable of either anticipating the claimed invention or rendering the same obvious. With respect to this contention, it is noted that no teachings, disclosure or other form of motivation is found in either of the cited references, which would lead one of ordinary skill in the art to arrive at the instant invention as claimed, wherein the provided molding compositions do not contain: "styrene or a crosslinking assistant that causes a smell or safety problem" (see claim 1), or "styrene or a crosslinking assistant" (claim 9), or "a crosslinking assistant such as styrene" (claim 10). Moreover, due to each

reference's specific teaching to utilize styrene as a component in its compositions, it follows that both of the cited references teach away from the instant invention as claimed.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance, clearly indicating that each of the pending claims 1-10 are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

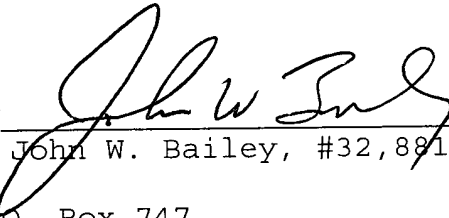
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Appl. No. 09/643,259  
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Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
John W. Bailey, #32,881

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

JWB/end  
0649-0758P

Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

1. (Amended) A molding composition comprising (A) a fibrous material, (B) a crystalline unsaturated polyester, (C) a non-crystalline unsaturated polyester, and (D) a radical generator, and wherein said composition does not contain styrene or a crosslinking assistant that causes a smell or safety problem.

6. (Amended) A molding composition according to claim 1, wherein said composition contains 10 to 90% by weight of the crystalline unsaturated polyester and 90 to 10% by weight of the non-crystalline unsaturated polyester based on the total of the crystalline unsaturated polyester and the non-crystalline unsaturated polyester.

Claims 9-10 have been added.